

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Lieu
(Coauthors: Assembly Members Huffman, Monning, Ruskin, and
Saldana)
(Coauthor: Senator DeSaulnier)

February 26, 2009

An act to amend Section 18930.5 of the Health and Safety Code, and to add Section 25402.11 to the Public Resources Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any

occupancy for which no state agency has the authority or expertise to propose those standards.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. The bill would require that the green building standards adopted and approved by the commission be inserted into relevant parts of the California Building Standards Code. The bill would also authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency standards, as described.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature that all of the~~
- 2 ~~following occur:~~
- 3 ~~(a) The Building Standards Commission should receive proposed~~
- 4 ~~green building standards from other state agencies with expertise~~
- 5 ~~in green building principles.~~
- 6 ~~(b) Consistent with current practice, if another state agency or~~
- 7 ~~department proposes building standards in its area of expertise,~~
- 8 ~~the commission should guide the proposed standards through a~~
- 9 ~~process for public and expert review before adopting them.~~
- 10 ~~(c) If any technical modifications are necessary, the commission~~
- 11 ~~should report back to the submitting agency on its reason for~~
- 12 ~~altering a particular standard.~~
- 13 ~~(d) The commission should develop green building standards~~
- 14 ~~in an open-public process and provide ample opportunity for input~~
- 15 ~~from all stakeholders.~~
- 16 ~~SEC. 2.~~
- 17 ~~SECTION 1.~~ Section 18930.5 of the Health and Safety Code
- 18 is amended to read:
- 19 18930.5. (a) If no state agency has the authority or expertise
- 20 to propose green building standards applicable to a particular
- 21 occupancy, the commission shall adopt, approve, codify, update,
- 22 and publish green building standards for those occupancies.

1 (b) In developing green building standards, the commission or
2 any state agency proposing standards shall seek the input of other
3 state agencies including, but not limited to, all of the following:

4 ~~(1) The California Environmental Protection Agency.~~

5 *(1) The Department of General Services.*

6 (2) The California Integrated Waste Management Board.

7 (3) The State Air Resources Board.

8 (4) The Department of Water Resources.

9 (5) The Department of Toxic Substances Control.

10 (6) The State Department of Public Health.

11 (7) The Department of Transportation.

12 *(8) The Office of the State Fire Marshal.*

13 (c) If the commission or an agency that proposes green building
14 standards receives input from another state agency and the input
15 is consistent with the agency's mandate, the commission or the
16 receiving agency shall consider, give great weight to, and respond
17 in writing to, the input provided. A written response is intended
18 to serve as an acknowledgment of the receipt and consideration
19 of input and allow the public to track the development of green
20 building standards.

21 (d) In developing green building standards, the commission or
22 any state agency proposing the standards shall also consult with
23 representatives from all of the following:

24 (1) Environmental advocacy groups.

25 (2) Interested local government and code enforcement entities.

26 (3) The building construction and design industry.

27 (4) Interested public parties.

28 (e) In addition to meeting the requirements of subdivision (b),
29 the development of green building standards shall comply with
30 the process described in Section 18930.

31 (f) An agency that provides input regarding green building
32 standards, as described in subdivisions (b) and (c), shall
33 recommend to the commission or agency proposing the standard
34 whether the standard should be voluntary or mandatory. Voluntary
35 standards shall exceed mandatory standards where such mandatory
36 standards exist.

37 (g) The green building standards adopted or approved by the
38 commission pursuant to this section shall, at a minimum, be
39 inserted into the relevant part of the California Building Standards
40 Code, where appropriate.

1 (h) *Green building standards proposed or adopted pursuant to*
2 *this section shall protect the public's health and safety, minimize*
3 *the building's impact on the environment through efficient use of*
4 *natural resources, improve occupant health, and reduce strain on*
5 *the local infrastructure while utilizing best available technology*
6 *and building practices. These building standards include, but are*
7 *not limited to, standards relating to site planning, water efficiency,*
8 *energy efficiency, materials and resource efficiency, reduction of*
9 *toxic chemicals, indoor air quality, and environmental quality.*

10 ~~SEC. 3.~~

11 SEC. 2. Section 25402.11 is added to the Public Resources
12 Code, to read:

13 25402.11. (a) The State Energy Resources Conservation and
14 Development Commission may develop, adopt, and submit to the
15 California Building Standards Commission voluntary energy
16 efficiency standards.

17 (b) The voluntary standards specified in subdivision (a) shall
18 be considered green building standards for the purposes of Section
19 18930.5 of the Health and Safety Code and shall exceed the
20 mandatory standards adopted by the State Energy Resources
21 Conservation and Development Commission pursuant to Section
22 25402.